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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7,9,11 and 22-26* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7,9,11 and 22-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 7, 9, 11, and 22-26 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 9, 11, and 22-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 5,172,111 to Olivo, Jr. in view of U.S. Patent Application

Publication 2002/0032907 to Daniels and U.S. Patent 5,774,666 to Portuesi.

        Regarding claim 9, Olivo teaches receiving a broadcast signal (program material

signal) interlocked with auxiliary information (material content signal) (col. 5-6, ll. 63-4).

Olivo is silent on the material content signal being either an executable program or

script. Daniels teaches inserting advertiser information into the Vertical Blanking

Interval (VBI) of a signal), wherein the advertiser information is a web page or Internet

site (pg. 2, para. 0021). Further, the advertiser information of Daniels reads on at least

an executable program or script in that the receiver executes (by displaying) the

information to the user (pg. 16, para. 0159, 0162). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

Olivo by implementing an executable program or script as taught by Daniels in order to display the embedded information thereby enabling the user to gather access to education and entertainment options (pg. 16, para. 0158) and providing interactive information to the user. Olivo teaches that the broadcast information includes audio and video data (col. 6, ll. 59-65) and the auxiliary information indicates the material content and the alternate sources being a secondary source. Olivo teaches storing the broadcast information in a storage unit (col. 5, ll. 26-35). Olivo teaches playing back the broadcast information (col. 5, ll. 36-41). Further, Olivo teaches stopping the visual presentation of the stored broadcast signal and playing an alternate video triggered by the auxiliary information (col. 7, ll. 48-54), wherein the trigger reads on a predetermined start timing. Olivo teaches substituting scenes in a video sequence with more acceptable content (col. 7, ll. 48-54), one would readily recognize that the system of Olivo switching back to the broadcast information signal at the completion of the substituted signal (col. 14, ll. 30-53). Olivo teaches selective selection of the script, depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27). Olivo is silent on determining if the script is executed with a predetermined period of time. Portuesi teaches displaying a selection such as a web-site (fig. 3-4) for a predetermined period of time (see the duration field in table 2) (col. 6, ll. 4-9, col. 7, ll. 16-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by displaying the script for a predetermined period of time as taught by Portuesi in order to provide the user with the option to select a prompt to acquire more information.

Regarding claim 11, Olivo teaches receiving a broadcast signal (program material signal) interlocked with auxiliary information (material content signal) (col. 5-6, ll. 63-4). Olivo is silent on the material content signal being either an executable program or script. Daniels teaches inserting advertiser information into the Vertical Blanking Interval (VBI) of a signal), wherein the advertiser information is a web page or Internet site (pg. 2, para. 0021). Further, the advertiser information of Daniels reads on at least an executable program or script in that the receiver executes (by displaying) the information to the user (pg. 16, para. 0159, 0162). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by implementing an executable program or script as taught by Daniels in order to display the embedded information thereby enabling the user to gather access to education and entertainment options (pg. 16, para. 0158) and providing interactive information to the user. Olivo teaches that the broadcast information includes audio and video data (col. 6, ll. 59-65) and the auxiliary information indicates the material content and the alternate sources being a secondary source. Olivo teaches storing the broadcast information in a storage unit (col. 5, ll. 26-35). Olivo is silent on storing during a predetermined time period. Daniels teaches storing the programming locally during execution of the auxiliary content, which reads on a predetermined time period (pg. 5-6, para. 0080-0081). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivo by storing during a predetermined time period as taught by Daniels in order to permit the user to return to the programming without missing any of it (Daniels: pg. 5, para. 0081). Olivo teaches

playing back the broadcast information with auxiliary information by controlling read

operations carried out be said read unit with predetermined timing (col. 5, ll. 36-41), but

is silent on a processor. Official Notice is taken that processors are well known in the

art. Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Olivo by using a processor in order to simplify the

circuitry and provide additional services. Olivo teaches selective selection of the script,

depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27). Olivo is

silent on determining if the script is executed with a predetermined period of time.

Portuesi teaches displaying a selection such as a web-site (fig. 3-4) for a predetermined

period of time (see the duration field in table 2) (col. 6, ll. 4-9, col. 7, ll. 16-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Olivo by displaying the script for a predetermined period

of time as taught by Portuesi in order to provide the user with the option to select a

prompt to acquire more information.

Regarding claims 22 and 24, Olivo teaches selective selection of the script,

depending on the MCS evaluation switch (col. 14, ll. 30-53, col. 16, ll. 1-27).

Accordingly, Olivo teaches playing the original content, which equates to canceling the

execution of the program or script, wherein the recorded program continues to play from

the recorded medium, which reads on playing back from a point succeeding said

predetermined start time (col. 14, ll. 30-53, col. 16, ll. 1-27).

Regarding claims 23 and 25, Olivo teaches substituting scenes in a video

sequence with more acceptable content (col. 7, ll. 48-54), one would readily recognize

that the system of Olivo switching back to the broadcast information signal at the

completion of the substituted signal (col. 14, ll. 30-53), which reads on a resuming from

a point succeeding the start timing after execution of the program or script.

4.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 5,172,111 to Olivo, Jr., U.S. Patent Application Publication 2002/0032907 to

Daniels, and U.S. Patent 5,774,666 to Portuesi in view of U.S. Patent 5,701,383 to

Russo et al.

Regarding claim 7, Olivo is silent on concurrently storing the broadcast

information and playing back video and audio stored in the storage unit. Russo teaches

concurrent reading and writing of information onto a medium (Abstract). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Olivo by concurrent reading and writing of information onto a medium in

order to implement the system with one device thereby reducing the duplication of the

storage mediums

5.   Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 5,774,666 to Portuesi.

Regarding claim 26, Portuesi teaches a data storage device (6) with embedded

URLs (8) as shown in figure 1, wherein the URLs of Portuesi reads on auxiliary

information including a plurality of information pieces. Further, Portuesi teaches

displaying URLs associated with the image track of a program using a link and caption

as shown in fig 3 (col. 5-6, II. 59-19), wherein the URLs is when executed generates the display screen interlocked with the playback. Portuesi discloses additional data as shown in tables 1 and 2, which teaches a predetermined period of time for specifying when the URL should be displayed (see table 2, duration field). Portuesi teaches the URL associated with a track ID (see table 1, track ID), accordingly, Portuesi teaches a link between auxiliary information and a program, but is silent on an index to link the auxiliary information and the program. Official Notice is taken that the use of an index to link information is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Portuesi by using an index to link information in order to provide plural programs such as in a multiple program transport stream (MPTS) and associated the appropriate auxiliary information efficiently.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7.   U.S. Patent 5,541,662 to Adams et al. teaches data packets associated with audio and video packets (col. 7, II. 9-14), wherein the data packets contain timing, sizing, and placement information (col. 8, II. 51-61; col. 9, II. 1-4). Further, Adams teaches a data queue (74), which has data packets.

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ayk

VIVEK SRIVASTAVA
PRIMARY EXAMINER